WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST

ORDER OVERRULING OBJECTIONS TO COSTS

FILE COPY

PATRICIA M. DANAHER-DUNN R.N.,

Respondent.

TO: Paul R. Erickson
Attorney at Law
735 North Water Street, Suite 1400
Milwaukee, WI 53202

John R. Zwieg Attorney at Law 1400 East Washington Avenue P.O. Box 8935 Madison, Wisconsin 53708

The Final Decision and Order in this matter dated February 10, 1998, was served on the parties on February 20, 1998. On March 11, 1998, respondent filed his Respondent's Objections to Costs. Complainant's Reply to Respondent's Objection to Costs was filed on April 2, 1998. The Board of Nursing considered the objections at its meeting of May 7, 1998.

Based upon all relevant information of record, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that respondent's objections to costs is overruled, and her request that the board deny assessment of costs against her is therefore denied.

DISCUSSION

In its final Decision and Order in this matter, the board assessed the costs of the proceeding against respondent pursuant to sec. 440.22, Stats. That section states in relevant part as follows:

440.22 Assessment of costs.

(2) In any disciplinary proceeding against a holder of a credential in which the department or an examining board, affiliated credentialing board or board in the department orders suspension, limitation or revocation of the credential or reprimands the holder, the department, examining board, affiliated credentialing board or board may, in addition to imposing discipline, assess all or part of the costs of the proceeding against the holder. Costs assessed under this subsection are payable to the department.

To the extent that respondent's objections to the board's assessment of costs goes to the underlying decision to make the assessment, the objections must be rejected on two bases. First, they are not

timely Under sec. RL 2.18(2), Code, objections to the assessment of costs are to be filed, along with any other objections to the proposed decision, within the time established for filing those objections. That time expired on or about November 24, 1997. Second, respondent argues that she prevailed at hearing on what are characterized as the "two issues in this proceeding that were arguably 'contested'." Accordingly, it is contended that costs should not be imposed based on the balancing test set forth in sec. 227.485, Stats., by which the importance of various issues and the identity of the prevailing party on those issues is to be determined. That section is not relevant to an assessment of costs under sec. 440.22, Stats. Rather, the threshold criterion under the latter section is whether the board ordered suspension, limitation or revocation of the license or reprimanded the license-holder. But even if the board were to use the sec. 227.485 balancing test in its exercise of discretion relating to costs, respondent would not prevail. The issues in this case were correctly summarized by complainant as whether respondent violated the board's disciplinary rules, and whether and what discipline should be imposed. Complainant is also correct that the prosecution prevailed as to those issues. It must be concluded that even if respondent's objections to the assessment of costs had been timely, those objections could not prevail.

The second basis for objections to costs is described at sec. RL 2.18, Code, which states as follows:

RL 2.18 Assessment of costs.

* * *

(4) When costs are imposed, the division and the administrative law judge shall file supporting affidavits showing costs incurred within 15 days of the date of the final decision and order. The respondent shall file any objection to the affidavits within 30 days of the date of the final decision and order. The disciplinary authority shall review any objections, along with the affidavits, and affirm or modify its order without a hearing.

The objections described in the cited section are objections to the affidavits rather than to the underlying assessment. While respondent's objections were timely if they are to be construed as objections to the cost affidavits, respondent makes no argument or objection relating to the affidavits per se. Accordingly, it is assumed that respondent's only objection is to the underlying decision to assess the costs.

Dated this 15+6 day of May, 1998.

STATE OF WISCONSIN BOARD OF NURSING

Timothy D. Burns, CRNA, Chairman

WRA:9805127 doc

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING BEFORE THE BOARD OF NURSING

In the Matter of the Disciplinary Proceedings Against

Patricia M Danaher-Dunn, R.N.,

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
)
COUNTY OF DANE)

- I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:
 - 1. I am employed by the Wisconsin Department of Regulation and Licensing.

Kate Rotenberg

Office of Legal Counsel

Department of Regulation and Licensing

2. On May 22, 1998, I served the Order Overruling Objections to Costs dated May 15, 1998, upon the Respondent Patricia M. Danaher-Dunn's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 158 927.

Paul R. Erickson, Attorney 735 N. Water Street, Suite 1400

Milwaukee WI 53202

Subscribed and Worn to before me

JEFFERSON

MOORE

this <u>Bond</u> day of <u>May</u>, 1998. Ruly Jefferson-Moare

Notary Public, State of Wisconsin My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: PAUL R ERICKSON ATTY

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 5/22/98 Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggreed by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A pennion for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN BOARD OF NURSING

P.O. Box 8935
Madison WI 53708-8935

STATE OF WISCONSIN BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST

AFFIDAVIT OF COSTS LS9706111-NUR

PATRICIA M. DANAHER-DUNN, R.N., RESPONDENT.				
STATE OF WISCONSIN)			
) ss.			
COUNTY OF DANE)			

Ruby Jefferson-Moore, being first duly sworn on oath deposes and states:

- 1. That affiant is an attorney licensed to practice law in the State of Wisconsin, and is employed by the Wisconsin Department of Regulation and Licensing, Office of Board Legal Services.
- 2. That in the course of affiant's employment she was appointed administrative law judge in the above-captioned matter. That to the best of affiant's knowledge and belief, the costs for services provided by affiant are as follows:

ACTIVITY	DATE	<u>TIME</u>
Preparation/Conduct of Hearing	07/15/97	3 hrs/30 min.
Review record/draft decision	10/31/97	2 hrs.
Review record/draft decision	11/03/97	4 hrs.
Review record/draft decision	11/11/97	1 hr./30 min.

Total costs for Administrative Law Judge: \$ 298.65.

3. That upon information and belief, the total costs for court reporting services provided by Magne-Script are as follows: \$ 464.40.

4. That upon information and belief, the total costs for Office of Board Legal Services are as follows: \$ 763.05.

Ruby Jefferson-Mode Administrative Law Judge

Sworn to and subscribed to before me this 24th day of February 1998

Notary Public

My Commission: is permanent

STATE OF WISCONSIN BEFORE THE BOARD OF NURSING

Y : :					
: LS9706111NUR :					
AFFIDAVIT OF COSTS					
	: : : :				

John R. Zwieg, being duly sworn, deposes and states as follows:

- 1. That I am an attorney licensed to practice law in the state of Wisconsin and am employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement.
- 2. That in the course of those duties I was assigned as a prosecutor in the above captioned matter.
- 3. That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above captioned matter.

PROSECUTING ATTORNEY EXPENSE

Date	Activity	Hours	Minutes
4/26/96	Tele conv w/ Mr. Neff regarding possible complaint & draft memo		45
5/9/96	Tele conv w/ Ms. Schuler of MCMHC & draft memo		30
5/10/96	2 tele conv w/ Respondent, tele conv w/ Bd. Chair & draft memo and request bypass of screening panel and appointment of board advisor	1	15
5/28/96	Tele conv w/ Respondent & draft memo		30
5/30/96	Review of patient's treatment records from Milw. Co. Mental Hlth Complex	2	45
6/12/96	Review of Respondent's treatment records from Dr. Hawkins		45
6/14/96	Discussion w/ investigative staff		15
7/12/96	Review of file & Case Summary	1	45
8/16/96	Preparation of Agreement Regarding Evaluation & ltr to Respondent.	1	
8/25/96	Review of file and rough draft of ltr to Dr. Gonstorek		30
8/27/96	Tele conv w/ Respondent & draft memo		30
8/28/96	Preparation of materials & finalize ltr to Dr Gonsiorek re' evaluation of Respondent		45

8/29/96	Preparation of consents for release of employment information & ltr to Respondent		30
9/12/96	Review of Respondent's updated treatment records from Dr. Hawkins		45
10/29/96	Tele conv w/ Respondent & draft memo	 	30
11/4/96	Review of Dr. Gonsiorek's psych eval of Respondent	1	15
1/2/97	Rough draft Stip and Final Decision and Order.	-	
1/6/97	Finalize Stip and Final Decision & Order; ltr to Atty. Erickson.	1 1	45
1/8/97	Tele conv w/ Atty. Erickson & draft memo] _	45
2/3/97	Ltr to Atty. Erickson re' proposed resolution	 	15
3/4/97		 	15
3/4/3/	Review of ltr from Atty. Erickson & reports from Drs. Hawkins and Bomzer		30
3/5/97		<u> </u>	
3/3/7/	Preparation of materials & ltr to Bd. Advisor; ltr to Atty. Erickson re'	1	}
5/8/97	Respondent's counterproposal		
5/09/97	Review of ltr from Atty. Erickson	ļ <u>.</u>	15
	Tele conv. w/ Respondent	<u> </u>	15
5/12/97	Ltr to Bd. Advisor; ltr to Atty. Erickson	<u> </u>	30
5/13/97	Meeting with Respondent & draft memo	1	<u> </u>
5/14/97	Preparation of materials & ltr to Atty. Erickson		30
6/5/97	Review file & draft Complaint	1	30
6/9/97	Obtaining ALJ and hearing dates and draft Notice of Hearing		45
6/10/97	Ltr to Atty. Erickson w/ Complaint & Notice of Hearing; arrange for mail service of Complaint to Respondent		15
6/12/97	Review of ltr from Atty. Erickson re' settlement conference		15
6/20/97	Tele conv w/ Atty. Fleming & draft memo		15
6/27/97	Tele conv w/ Atty Erickson and Prehearing conference		30
6/30/97	Review of ALJ's Memorandum of Prehearing Conference and	·	
	Scheduling Order		15
7/2/97	Preparation of materials & ltr to Atty. Erickson re' introduction of evidence		45
7/8/97	Review of Respondent's Answer to Complaint		30
7/9/97	Ltr to Atty. Erickson w/ Dr. Gonsiorek's curriculum vitae	<u> </u>	15
7/14/97	Preparation for hearing	3	30
7/15/97	Preparation for and attending hearing	6	15
11/12/97	Review of ALJ's Proposed Decision		
11/21/97	Reviewing transcript and Drafting Complainant's Objections to	<u>1</u>	15 30
	Proposed Decision	Z	<i>3</i> 0
1/24/97	Finalizing Complainant's Objections to Proposed Decision & draft		1.0
11/27//	cover ltr to Bd. Chair and ltr to Atty. Erickson w/ Complainant's	1	15
	Objections to Proposed Decision		
12/2/97	Telephone messages to and from Atty. Erickson re' extension of time		20
L 21 21 7 1 	for filing Respondent's Penly to Complainant's Observing to		30
ĺ	for filing Respondent's Reply to Complainant's Objections to		
2/16/97	Proposed Decision and review of Atty Erickson's ltr to Board Chair.		
.#I 10/7/	Review of Respondent's Reply to Complainant's Objections to		45
16/00	Proposed Decision		
/6/98	Review of ltr to Atty.'s Zwieg and Erickson from Bd. Legal Counsel		15
/20/02	Austin		
	Preparation and oral argument to Board	2 - 1	15
/29/98 /24/98	Review of Board's Final Decision and tele conv. with Atty Erickson		30

Total attorney expense for hours minutes at \$41.00 per hour (based upon average salary and benefits for Division of Enforcement attorneys) equals:

\$1,865.50

INVESTIGATIVE STAFF EXPENSE

Date	Activity	Hours	Minutes
5/06/96	Tele conv with Mr. Neff	<u> </u>	15
5/16/96	Preparation of consents for release of information; interview of Respondent & draft memo; interview of patient & draft memo	3	45
5/20/96	Ltr to Milw Co Mental Hlth Complex requesting treatment records of patient		15
5/21/96	Ltr to Dr. Hawkins requesting treatment records of Respondent	<u> </u>	15
6/13/96	Preparation of Case Summary	1	
6/14/96	Discussion w/ Atty. Zwieg & draft memo	<u> </u>	15

TOTAL HOURS 5 Hrs. 45 Min.

ohn R/Zwieg

Total investigator expense for hours and minutes at \$20.00 per hour (based upon average salary and benefits for Division of Enforcement investigators) equals:

\$ 115.00

TOTAL ASSESSABLE COSTS

\$1,980.50

Subscribed and sworn to before me this 25 day of February, 1998.

Notary Public

My Commission is permanent

t:\costs\dunn.doc



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Marlene A. Cummings Secretary

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

Tommy G Thompson Governor

February 26, 1998

PAUL R. ERICKSON, ATTORNEY GUTGLASS ERICKSON BONVILLE SC 735 N. WATER STREET SUITE 1400 MILWAUKEE WI 53202-4267

RE: In The Matter of Disciplinary Proceedings Against Patricia M. Danaher-Dunn, RN, Respondent, LS9706111NUR, Assessment of Costs

Dear Mr. Erickson:

On February 10, 1998, the Board of Nursing issued an order involving the license to practice as a registered nurse of Patricia M. Danaher-Dunn, R.N. The order requires payment of the costs of the proceedings.

Enclosed please find the Affidavits of Costs of the Office of Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs of the proceedings is \$2,743.55.

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 March 12, 1998. 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

Administrative Assistant

Office of Legal Services

Enclosures

cc:

Board of Nursing
Department Monitor

Pamela le Haack



STATE OF WISCONSIN BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST

ORDER AFFIRMING DENIAL OF PETITION FOR REHEARING

PATRICIA M. DANAHER-DUNN R.N.,

Respondent.

TO: Paul R. Erickson

Attorney at Law 735 North Water Street, Suite 1400 Milwaukee, WI 53202

John R. Zwieg Attorney at Law 1400 East Washington Avenue P.O. Box 8935 Madison, Wisconsin 53708

The Final Decision and Order in this matter dated February 10, 1998, was served on the parties on February 20, 1998. On March 11, 1998, respondent filed a timely Petition for Rehearing pursuant to sec. 227.49, Stats. Complainant filed his Complainant's Reply to Respondent's Petition for Rehearing on March 24, 1998. Because the Board of Nursing did not next meet until May 7, 1998, respondent's petition was deemed denied by operation of law on April 10, 1998, pursuant to sec. 227.49(5), Stats. The board nonetheless considered the issues raised by respondent's petition at its meeting of May 7, 1998, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the denial of respondent's Petetion for Rehearing be, and hereby is, affirmed.

DISCUSSION

Section 227.49(3), Stats., states as follows;

227.49 Petitions for rehearing in contested cases.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall

continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

- (3) Rehearing will be granted only on the basis of.
- (a) Some material error of law.
- (b) Some material error of fact.
- (c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

Respondent's Petition alleges that the board committed a material error of fact in having varied from the Administrative Law Judge's proposed decision by modifying the recommended order of the ALJ. The ALJ recommended a three year suspension of the license but suggested that respondent be permitted to petition immediately for a stay of the suspension. The board instead imposed a three year suspension and provided that respondent could petition for a stay only after one year. In arguing that such a variance constitutes a material error of fact, respondent states:

At the hearing before the ALJ, the petitioner testified that pursuant to a conversation she had with the DOE's attorney, John Zweig, [sic] she stayed out of nursing and employment under her nursing license since May of 1996, specifically because Mr. Zweig indicated that if she did so, she would get credit against any suspension ordered by this Board for the time she spent out of nursing. This testimony was undisputed at the hearing.

In his Reply, Mr. Zwieg denies that there were any promises made relating to making a portion of any period of suspension retroactive. And for the Division of Enforcement to make any such promise would clearly exceed its authority, for only the board has discretion to determine what discipline shall be imposed. Moreover, in exercising that discretion, the board clearly addressed the issue of Ms. Danaher-Dunn's refraining from practice and its relevance to the board's order, stating,

Respondent . . . argues that imposition of an actual suspension of the license is unwarranted in that respondent has, in effect, already been out of practice for almost two years.

It is true that Ms. Danaher-Dunn's career has been devastated by the events leading to this proceeding, and that one of the resulting circumstances has been that she has not practiced since those events. The board does not consider this to be a mitigating factor, however; the devastation of her career is the result of her own misconduct. Nor may respondent's refraining from practice during the period in question be deemed an acceptable substitute for disciplinary sanctions sufficiently severe to deter other licensees from engaging in similar misconduct.

Respondent may well be unhappy with the result of the board's exercising its disciplinary discretion, but such exercise does not constitute a material error of fact, and respondent's Petition must therefore by denied.

Dated this 15th day of May, 1998

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

Timothy D. Burns, CRNA

Chairman

WRA 9805126.doc

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING BEFORE THE BOARD OF NURSING

In the Matter of the Disciplinary Proceedings Against

Patricia M. Danaher-Dunn, R.N.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

- I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:
 - 1. I am employed by the Wisconsin Department of Regulation and Licensing.
- 2. On May 22, 1998, I served the Order Affirming Denial of Petition for Rehearing dated May 15, 1998, upon the Respondent Patricia M. Danaher-Dunn's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 158 927.

Paul R. Erickson, Attorney 735 N. Water Street, Suite 1400 Milwaukee WI 53202

Kate Rotenberg

Department of Regulation and Licensing

Office of Legal Counsel

Subscribent with to before me

JEFFERSON -

MOORE

this Hay of May. 1998.
Ruly Jefferson-Mark

Notary Public, State of Wisconsin My commission is permanent

NOTICE OF RIGHTS OF APPEAL

TO: PAUL R ERICKSON ATTY

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 5/22/98 Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may tile a written petition for rehearing within 20 days after service of this order, as provided in section 227 49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filling of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN BOARD OF NURSING

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