

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE	:	
REQUEST FOR A BARBERING AND	:	
COSMETOLOGY LICENSE	:	FINAL DECISION AND ORDER
	:	
REESASUE L. PIEPER	:	
PETITIONER	:	
	:	

The parties in this matter under Wis. Stat. § 227.44 and Wis. Admin. Code §. RL 1.04, and for purposes of review under Wis Stat § 227.53 are:

Reesasue L. Pieper
1459 Elm #204
Green Bay WI 54302

Barbering and Cosmetology Examining Board
PO Box 8935
Madison WI 53708-8935

PROCEDURAL HISTORY

On August 4, 2003, the Wisconsin Barbering and Cosmetology Examining Board issued a disciplinary order against Reesasue L. Pieper (Petitioner). Pursuant to the terms of that Order, Petitioner surrendered her Barbering and Cosmetology manager’s license. The Board in part based its Order upon Petitioner’s November 5, 2001 drug related conviction. The Board ordered that it would be up to the Board in its sole discretion to determine “whether and under what terms and conditions” a license would be re-issued to Petitioner. Petitioner has now submitted an application for a Barbering and Cosmetology manager’s license.

Based upon the Stipulation and information of record herein, the Department adopts the attached Stipulation and makes the following:

CONCLUSIONS OF LAW

- 1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stat. § 454.15(2)(a) and authority to enter into a stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS ORDERED that

Reesasue L. Pieper is granted a Barbering and Cosmetology PRACTITIONER’S license subject to the following LIMITATIONS, TERMS AND CONDITIONS.

SUSPENSION

- 1. The license of Reesasue L. Pieper to practice is SUSPENDED for an INDEFINITE PERIOD OF TIME.

STAY OF SUSPENSION

- 2. The suspension is STAYED, conditioned upon Petitioner maintaining compliance with the provisions of this Order.
- 3. The Department or Department Monitor may without hearing remove the stay upon receipt of information that Petitioner is in substantial or repeated violation of any provision of this Order.

4. The Department may immediately re-impose this suspension upon its providing notice of the removal of the stay to Petitioner either by:
 - (a) Mailing to Petitioner's last-known address provided to the Department of Regulation and Licensing pursuant to Wis. Stat. § 440.11; or
 - (b) Actual notice to Petitioner or Petitioner's attorney.
- 5.. The Department or Department Monitor may reinstate the stay, if provided with sufficient information that Petitioner is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. Whether to reinstate the stay shall be wholly in the discretion of the Department.
6. If Petitioner requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. RL 1. The hearing shall be scheduled and held in a timely manner. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITION AND LIMITATIONS

Sobriety

7. Petitioner shall abstain from all personal use of alcohol and controlled substances as defined in Wis. Stat. § 961.01(4), Stats., except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Petitioner shall disclose Petitioner's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Petitioner shall at the time the controlled substance is prescribed immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Petitioner's treatment with, and provide copies of treatment records to, Treatment Provider and the Board or Department Monitor.
8. Petitioner shall refrain from the consumption of over-the-counter medications or other substances that may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Petitioner's treatment and rehabilitation.

Releases

9. If applicable, Petitioner shall provide and keep on file with her Treatment Provider, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Department, its designee, and any employee of the Department of Regulation and Licensing, Division of Enforcement to:
(a) obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and
(b) discuss the progress of Petitioner's treatment and rehabilitation. Copies of these releases shall immediately be filed with Department Monitor.

Drug and Alcohol Screens

10. Petitioner shall comply with any request by an employer for a screen for alcohol or controlled substances. In addition, the Department reserves the right to request one or more screens for alcohol or controlled substances, should the Department Monitor in his or her discretion believe a screen is warranted on the basis of a report received. Upon notification the need for a screen, Petitioner shall comply with obtaining a screen within five [5] hours of notification. All screens shall be performed according to standard department procedures, and all confirmed positive test results shall be presumed to be valid. Petitioner must prove by a preponderance of the evidence an error in collection, testing, or other fault in the chain of custody. Petitioner shall be responsible for all costs associated with obtaining screens.
11. The Department reserves the right based upon reports received to require Petitioner upon notification by the Department Monitor to enter and maintain participation in a Department-approved program of treatment for drug and alcohol abuse/dependency. Petitioner shall cooperate with and follow all treatment recommendations of her treatment providers. Upon discharge, Respondent shall submit a copy of her discharge summary to the Department Monitor.
12. If applicable, Petitioner shall provide her treatment providers with a copy of this Final Decision and Order.
13. If treatment is required, Petitioner's treatment provider shall submit formal written reports to Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Petitioner's progress, compliance, and cooperation in the applicable program. The treatment providers shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Practice Limitations

14. Petitioner shall practice only in work-settings pre-approved by the Board or Department Monitor
15. Petitioner shall practice only under the supervision of a licensed manager pre-approved by the Board or Department Monitor.
16. Petitioner shall not practice barbering and cosmetology in any establishment that is owned in whole or in part by the Petitioner.

Reporting Requirements

17. Petitioner shall provide a copy of this Final Decision and Order to supervisory personnel at all settings where Petitioner works or applies to work as a barbering and cosmetology practitioner and (if applicable) to her treatment provider.
18. Petitioner shall arrange for her supervisor to provide written reports to the Department Monitor on a quarterly basis, on a schedule directed by the Department Monitor. These reports shall describe the Petitioner's barbering and cosmetology activities and verify that she is in compliance the terms of this Order.
19. Petitioner shall report to the Department any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
20. Petitioner is responsible for compliance with all of the terms and conditions of this Order, including the timely submission o reports by others. Petitioner shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Petitioner.

DEPARTMENT MONITOR

21. The Department Monitor is the individual designated by the Department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave., P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 261-7904
Department.monitor@drl.state.wi.us

Petitions for Modification

22. Petitioner may petition the Department for modification of the terms of this Order at any time following two years from the effective date of this Order. Any such petition shall be accompanied by a written recommendation from Petitioner's employer and (if applicable) her treatment provider expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stats. § 227.01(3)(a), and Petitioner shall not have a right to any further hearings or proceedings on the denial.

Costs

23. Petitioner shall be responsible for all costs and expenses incurred in conjunction with any monitoring, screening, supervision or any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

Summary Suspension/Additional Discipline

24. Failure by Petitioner to timely comply with the terms of this limitation and/or any further criminal conviction shall result in the revocation of Petitioner's limited license without further notice or hearing or other proceeding. Any other violation of this Order may be the basis for a summary suspension under Wis. Admin. Code § RL CH. 6 or a separate disciplinary action under Wis. Stat. § 452.14.

Dated at Madison, Wisconsin this 11 day of August, 2006.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By Jeannie M. Bush
A Member of the Examining Board

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY
EXAMINING BOARD

IN THE MATTER OF THE REINSTATEMENT	:	
REQUEST FOR A BARBERING AND	:	
CSOSMETOLOGY MANAGER’S LICENSE	:	STIPULATION
	:	LS _____
REESASUE L PIEPER	:	
PETITIONER	:	

It is hereby stipulated between the above-referenced Petitioner and the Barbering and Cosmetology Examining Board as follows:

The Petitioner has filed a request for reinstatement of her barbering and cosmetology manager’s license. Based upon the information of record herein, the Department agrees to issue and the Petitioner agrees to accept an Order issuing a limited barbering and cosmetology practitioner’s license subject to the terms and conditions set forth in the attached Order Adopting Stipulation.

Dated this ____ day of _____, 2006

REESASUE L. PIEPER