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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
:
REESASUE L. PIEPER, : LS0809089BAC
RESPONDENT. :

Division of Enforcement Case No. 08 BAC 127

The parties to this action for the purposes of Wis. Stat. § 227.53, are:

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

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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

PROCEDURAL HISTORY

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. Reesasue L. Pieper (D.O.B. 03/08/63) is and was at all times relevant to the facts set forth herein licensed as a barbering or cosmetology practitioner in the state of Wisconsin pursuant to license # 82-72773. This license was first granted on 09/29/92 and is current through 03/31/09.

2. By a stipulated Order of the Barbering and Cosmetology Examining Board, dated August 11, 2006, Ms. Pieper agreed to accept a barbering or cosmetology practitioner's license subject to limitations, terms, and conditions which included: absolute sobriety, possible drug and alcohol screens if requested by her employer or the Department, and written reports from her employer.

3. The August 11, 2006 Order stated that "[f]ailure by Applicant to timely comply with the terms of this limitation and/or any further criminal conviction shall result in the revocation of Applicant'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 § 11.02(2) or separate disciplinary action under Wis. Stat. § 452.14." By stipulating to the August 11, 2006 Order, Ms. Pieper agreed to these terms.

4. On or about March 4, 2008, Ms. Pieper notified the Department Monitor that she had criminal charges pending.

and had lost her job as a result.

5. On March 20, 2008, Ms. Pieper was convicted of battery and disorderly conduct in Brown County Circuit Court Case Number 2008CM000303. The convictions were based on an incident in which Ms. Pieper drank alcohol became angry and got into an argument, threw a beer can at an individual, and pushed her boyfriend.

6. The circuit court withheld sentence and placed Ms. Pieper on probation for 12 months. As conditions of her probation, Ms. Pieper was ordered to abstain from alcohol, receive anger management counseling, and have an AOD/assessment and any recommended treatment.

7. Following an evaluation and assessment for the court-ordered anger management, Ms. Pieper began an anger management program offered through Independent Assessment & Counseling Services in Green Bay, Wisconsin. As of May 20, 2008, Ms. Pieper has attended six (6) sessions of the 12-session program.

CONCLUSIONS OF LAW

1. The Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15(2)(a), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By consuming alcohol and having criminal convictions as described above in paragraphs 2 through 5, Ms. Pieper has violated the terms of the August 11, 2006 Board Order and is subject to discipline under the terms of that Order.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.
IT IS FURTHER ORDERED, effective the date of this Order:

SUSPENSION

- A.1. The license of Reesasue L. Pieper (license # 82-72773), to practice as a barbering or cosmetology practitioner in the state of Wisconsin is SUSPENDED for an indefinite period.
- A.2. Ms. Pieper shall mail or physically deliver all indicia of licensure to the Department Monitor within 14 days of the effective date of this order.
- A.3. Upon a showing by Ms. Pieper of continuous, successful compliance for a period of at least five (5) years with the terms of this Order, the Board may grant a petition by Ms. Pieper under paragraph D.4. for return of full licensure.
- A.4. The Board may, on its own motion or at the request of the Department Monitor, grant full licensure at any time.

STAY OF SUSPENSION

- B.1. The suspension shall be stayed upon Ms. Pieper petitioning the Board and providing proof, which is determined by the Board or its designee to be sufficient, that she is in compliance with the provisions of Sections C and D of this Order.
- B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Ms. Pieper is in substantial or repeated violation of any provision of Sections C or D of this Order. Repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit Ms. Pieper for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Ms. Pieper either by:
 - (a) Mailing to Ms. Pieper's last-known address provided to the Department of Regulation and Licensing pursuant to Wis. Stat. § 440.11; or
 - (b) Actual notice to Ms. Pieper her attorney, if she has an attorney.
- B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Ms. Pieper is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- B.5. If Ms. Pieper 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 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Ms. Pieper's request, unless waived by Ms. Pieper. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS AND LIMITATIONS

Treatment Required

- C.1. Ms. Pieper shall enter into, and shall continue, in a drug and alcohol treatment program at a treatment facility (Treater) acceptable to the Board or its designee. Ms. Pieper shall participate in, cooperate with, and follow all treatment recommended by Treater.

- C.2. Ms. Pieper shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
- C.3. Treater shall be responsible for coordinating Ms. Pieper's rehabilitation, drug monitoring and treatment program as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See D.1., below). If Treater is unable or unwilling to serve as Treater, Ms. Pieper shall immediately seek approval of a successor Treater by the Board or its designee.
- C.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater, but not less than twice per month for the first year. Therapy may end only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.
- C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Ms. Pieper's progress in the drug and alcohol treatment program. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

- C.6. Ms. Pieper shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, 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 Ms. Pieper's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

AA/NA Meetings

C.7. Ms. Pieper shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater, but no less than twice per week. Attendance of Ms. Pieper at such meetings shall be verified and reported monthly to Treater and the Department Monitor.

Sobriety

C.8. Ms. Pieper shall abstain from all personal use of alcohol.

C.9. Ms. Pieper shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Ms. Pieper shall disclose Ms. Pieper's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Ms. Pieper shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Ms. Pieper's treatment with, and provide copies of treatment records to, Treater and the Board or its designee.

C.10. Ms. Pieper shall abstain from all use of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Ms. Pieper's treatment and rehabilitation.

C.11. Ms. Pieper shall report all medications and drugs, over-the-counter or prescription, taken by Ms. Pieper to Treater and the Department Monitor within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. If Ms. Pieper has not provided a release as required by C.9 above, within 24 hours of a request by Treater or the Board or its designee, Ms. Pieper shall provide releases in compliance with state and federal laws. The releases shall authorize the person who prescribed, dispensed, administered or ordered the medication to discuss Ms. Pieper's treatment with, and provide copies of treatment records to, the requester.

Drug and Alcohol Screens

C.12. Ms. Pieper shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department pursuant to Wis. Adm. Code § RL 7.11 ("Approved Program"). A list of Approved Programs is available from the Department Monitor.

C.13. At the time Ms. Pieper enrolls in the Approved Program, Ms. Pieper shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:

- (a.) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
- (b.) Production of a urine specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.

C.14. The Approved Program shall require the testing of urine specimens at a frequency of not less than 28 times per year, for the first year of this Order. After the first year, the frequency may be reduced only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.

C.15. The Department Monitor, Board or Board designee shall determine the tests to be performed upon the specimens. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Ms. Pieper shall promptly submit to additional tests or examinations as the Treater or the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.

- C.16. In addition to any requirement of the Approved Program, the Board or its designee may require Ms. Pieper to do any or all of the following: (a) submit additional urine specimens, (b) submit blood, hair or breath specimens, (c) furnish any specimen in a directly witnessed manner.
- C.17. All confirmed positive test results shall be presumed to be valid. Ms. Pieper must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody.
- C.18. The Approved Program shall submit information and reports to the Department Monitor in compliance with the requirements of Wis. Adm. Code § RL 7.11.

Practice Limitations

- C.19. Ms. Pieper shall practice only under the supervision of a licensed barbering and cosmetology manager approved by the Department or Department Monitor. Approval shall be obtained prior to engaging in barbering or cosmetology.
- C.20. Ms. Pieper shall not practice as a barbering and cosmetology practitioner at any barbering and cosmetology establishment that is owned by her.
- C.21. Ms. Pieper shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to the manager of any barbering and cosmetology establishment where she is employed, currently or in the future.
- C.22. It is Ms. Pieper's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Ms. Pieper's work performance, and shall include the number of hours of active barbering and cosmetology practice worked during that quarter and verify that Ms. Pieper is in compliance with the laws governing the practice of barbering and cosmetology and the terms of this Order.
- C.23. Ms. Pieper shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

MISCELLANEOUS

Department Monitor

- D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Wisconsin 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) 267-3817
department.monitor@drl.state.wi.us

Required Reporting by Ms. Pieper

- D.2. Ms. Pieper is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Ms. Pieper shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Ms. Pieper shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this

Order by Ms. Pieper. Additionally, every three (3) months Ms. Pieper shall notify the Department Monitor of Ms. Pieper's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Change of Treater or Approved Program by Board

- D.3. If the Board or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Ms. Pieper continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

D.4. Ms. Pieper may petition the Board for modification of the terms of this Order or termination, however no such petition for modification shall occur earlier than one year from the date of this Order and no such petition for termination shall occur other than in compliance with paragraph A.3. Any such petition for modification shall be accompanied by a written recommendation from Ms. Pieper's Treater 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. Stat. § 227.01(3)(a), and Ms. Pieper shall not have a right to any further hearings or proceedings on the denial.

Costs of Compliance

D.5. Ms. Pieper shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and 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.

Costs of Proceeding

D.6. Ms. Pieper shall pay costs of ONE HUNDRED DOLLARS (\$ 100.00) to the Department of Regulation and Licensing, within 180 days of the date of this Order. In the event Ms. Pieper fails to timely submit full payment of costs, the Ms. Pieper's license SHALL BE SUSPENDED, without further notice or hearing, until Ms. Pieper has paid the costs in full, together with any accrued interest.

Additional Discipline

D.7. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 441.07.

Dated at Madison, Wisconsin this 8th day of September, 2008.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush
A Member of the Board