

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	ORDER FIXING COSTS
	:	Order0000374
YASMIN PAVE, R.N.,	:	07NUR406, 07NUR451
RESPONDENT.	:	

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On September 2, 2010, the Board of Nursing filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Admin. Code, on or about September 14, 2010, the Board of Nursing received the Affidavits of Costs in the amount of \$1,251.12, filed by Attorney Jeanette Lytle. On or about September 8, 2010, the Board of Nursing received the Affidavit of Costs of the Division of Hearings and Appeals in the amount of \$189.10, filed by Administrative Law Judge Amanda Tollefsen.

The Board of Nursing considered the following factors in determining whether to impose full costs in this matter against the respondent:

- 1) The number of counts, charged, contested, and proven.
- 2) The nature and seriousness of the misconduct.
- 3) The level of discipline sought by the parties.
- 4) The respondent's cooperation with the disciplinary process.
- 5) Prior discipline, if any.
- 6) The fact that the Department of Regulation and Licensing is a "program revenue" agency, whose operating costs are funded by the revenue received from licensees and the fairness of imposing the costs disciplining a few members of the profession on the vast majority of the licensees who have not engaged in misconduct.

Respondent, by the nature of being in default, did not present any evidence regarding any of the above factors that would mitigate the imposition of full costs in this proceeding. All of the counts charged were deemed admitted and proven to the requisite standard of proof. There was no argument that any of the factual findings were investigated and litigated unnecessarily. The alleged misconduct is serious and the level of discipline, the revocation of licensure, is a significant disciplinary outcome. The respondent failed to cooperate with the disciplinary process. Finally, the department is a revenue program agency; therefore it would be fundamentally unfair to assess the costs of this disciplinary action upon the fellow members of the profession who have not engaged in such conduct. Based upon the foregoing analysis, the Board of Nursing considered the Affidavits of Costs on November 4, 2010, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of \$1,440.22, set forth in the Affidavits of Costs of Attorney Jeanette Lytle and Administrative Law Judge Amanda Tollefsen, which are attached hereto and made a part hereof, are hereby assessed against respondent, and shall be payable by respondent to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before December 6, 2010, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the

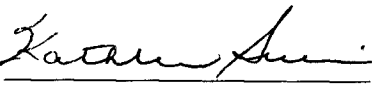
Department of Regulation and Licensing may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

Payment shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to:

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

Dated this 4<sup>th</sup> day of November, 2010.

BOARD OF NURSING

By:   
Member of the Board

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

YASMIN PAVE

RESPONDENT

AFFIDAVIT OF COSTS

07 NUR 451

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF DANE )

Being duly on affirmation, the undersigned employee of the Department of Regulation and Licensing, upon information and belief, deposes and states as follows:

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.

**INVESTIGATOR EXPENSE -- Daniel Williams**

DATE		HOURS	MINUTES
03/15/2010	CA response, revise summ, files to JCL	0	15
03/10/2010	Status check, CCAP, disc w/JCL, print to file, org file, email to Sullivan re; revoke?	2	0
01/26/2010	review, org file, scan info, call to Frank Pave re; divorce, CCAP, email to R, Ltr to R. Atts to contact R by phone.	3	0

TOTAL INVESTIGATOR EXPENSE --- 5 HOURS AND 15 MINUTES  
(Based on their average salary and benefits at the Division of Enforcement)

TOTALS	HOURS	MINUTES
	5	15

AT \$29.00 PER HOUR = \$152.25

**INVESTIGATOR EXPENSE -- Dawn Kalles**

DATE		HOURS	MINUTES
10/14/2008	ICE status check, letter to Respondent (time divided w/ 06 MED 406)	1	0
10/14/2008	HR & 3 patient records requested	1	30
06/05/2008	review for status	0	10
03/05/2008	recs rec'd	0	5
02/20/2008	phone call w/ Columbia re: recs	0	5
02/15/2008	2 phone calls w/ Columbia re: records	0	10
02/14/2008	review file; begin rec requests	0	30

TOTAL INVESTIGATOR EXPENSE --- 3 HOURS AND 30 MINUTES  
(Based on their average salary and benefits at the Division of Enforcement)

TOTALS	HOURS	MINUTES
	3	30

AT \$29.00 PER HOUR = \$101.50

**MISCELLANEOUS EXPENSE -- Jane Brischke**

DATE		COST
12/11/2008	copy charge - Columbia Hospital (McMorris)	\$27.12
12/11/2008	copy charge - Columbia Hospital (Powers)	\$88.92
12/11/2008	copy charge - Columbia Hospital (Grosгалves)	\$46.82
12/11/2008	copy charge - Columbia Hospital (Bynum)	\$81.42

**PARALEGAL EXPENSE -- Jan Johnson**

DATE		HOURS	MINUTES
04/13/2010	Receive ret'd cert mail card; make copy; send orig doc's (cmp/hn/aff serv/cert mail cards) to DHA; file (1/2)	0	5
04/08/2010	File to & disc w/ JL (1/2)	0	5
04/07/2010	Draft & process aff serv; receive response from DHA; FM; organize file (1/2)	0	15
04/06/2010	Receive signed doc's; edit hn; process-file/serve cmp (deliver to post office); create pleadings file (1/2)	0	20

03/31/2010 Review e-mail from atty Lytle (JL) re direction; ck ICE; review/edit cmp & e-mail to JL; draft hearing notice (hn) - to JL; prep for mailing (1/2)

0 30

TOTAL PARALEGAL EXPENSE --- 1 HOURS AND 15 MINUTES  
(Based on their average salary and benefits at the Division of Enforcement)

TOTALS

HOURS	MINUTES
1	15

AT \$29.00 PER HOUR = \$36.25

### PROSECUTING ATTORNEY EXPENSE --- Jeanette Lytle

DATE

HOURS MINUTES

05/17/2010 Prehearing conf.

0 10

TOTAL PROSECUTING ATTORNEY EXPENSE --- 0 HOURS AND 10 MINUTES  
(Based on their average salary and benefits at the Division of Enforcement)

TOTALS

HOURS	MINUTES
0	10

AT \$61.00 PER HOUR = \$10.17

### EXPENSE SUMMARY

PARALEGAL EXPENSE	Jan Johnson	\$36.25
INVESTIGATOR EXPENSE	Dawn Kalies	\$101.50
INVESTIGATOR EXPENSE	Daniel Williams	\$152.25
MISCELLANEOUS EXPENSE	Jane Brischke	\$244.28
PROSECUTING ATTORNEY EXPENSE	Jeanette Lytle	\$10.17
TOTAL ASSESSABLE COST >>>		\$544.45

  
Jeanette Lytle, Attorney

Subscribed and affirmed to before me this  
9/14/2010

  
Notary Public

My commission

MARCH 25 2012

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

YASMIN PAVE  
RESPONDENT

AFFIDAVIT OF COSTS

07 NUR 406

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF DANE )

Being duly on affirmation, the undersigned employee of the Department of Regulation and Licensing, upon information and belief, deposes and states as follows:

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.

**INVESTIGATOR EXPENSE — Daniel Williams**

DATE		HOURS	MINUTES
03/15/2010	CA emails, revise brief summ, files to JCL	0	15
03/10/2010	review, CCAP, disc w/JCL, org file, email to Sullivan re; Revoke	2	0
01/26/2010	Review, org, scan, atts to contact R, speak w/Frank Pave re; divorce, CCAP, ltr to R @ divorce address, email to R. Flag renewal	3	0
<b>TOTAL INVESTIGATOR EXPENSE ---</b>		<b>5 HOURS AND</b>	<b>15 MINUTES</b>
(Based on their average salary and benefits at the Division of Enforcement)		<b>TOTALS</b>	<b>5 15</b>
AT \$29.00 PER HOUR = \$152.25			

**INVESTIGATOR EXPENSE — Dawn Kalies**

DATE		HOURS	MINUTES
10/31/2008	med recs rec'd from Speciality	0	5
10/31/2008	HR recs rec'd frm Guardian HealthStaff	0	5
10/28/2008	certified recs rec'd frm Meriter	0	5
10/28/2008	phone call frm Specialty re: recs	0	5
10/23/2008	2 phone calls w/ IOD re: Meriter recs for LW	0	20
10/14/2008	review file; req HR recs; req patient recs X 2; letter & consents to Respondent (divided w/ 07 NUR 451)	2	0
06/05/2008	review file for case status	0	5
01/11/2008	status report for Sup MB	0	6
<b>TOTAL INVESTIGATOR EXPENSE ---</b>		<b>2 HOURS AND</b>	<b>51 MINUTES</b>
(Based on their average salary and benefits at the Division of Enforcement)		<b>TOTALS</b>	<b>2 51</b>
AT \$29.00 PER HOUR = \$82.65			

**MISCELLANEOUS EXPENSE — Jane Brischke**

DATE		COST
11/20/2008	copy charge - Select Specialty Hospital (Wehr)	\$90.30
11/20/2008	copy charge - Guardian HealthStaff LLC (Pave)	\$16.35
10/30/2008	copy charge - Meriter Hospital (Wehr)	\$70.39
10/30/2008	copy charge - Meriter Hospital (Wehr)	\$62.89

**PARALEGAL EXPENSE — Jan Johnson**

DATE		HOURS	MINUTES
04/13/2010	Receive ret'd cert mail card; make copy; send orig doc's (cmp/hn/aff serv/cert mail cards) to DHA; file (1/2)	0	5
04/08/2010	File to & disc w/ JL (1/2)	0	5
04/07/2010	Draft & process aff serv; receive response from DHA; FM; organize file (1/2)	0	15

04/06/2010 Receive signed doc's; edit hn; process-file/serve cmp (deliver to post office); create pleadings file (1/2)  
04/01/2010 Create pleadings file  
03/31/2010 Review e-mail from atty Lytle (JL) re direction; ck ICE; review/edit cmp & e-mail to JL; draft hearing notice (hn) - to JL; prep for mailing (1/2)

0 20  
0 5  
0 30

TOTAL PARALEGAL EXPENSE --- 1 HOURS AND 20 MINUTES  
(Based on their average salary and benefits at the Division of Enforcement)

	HOURS	MINUTES
TOTALS	1	20

AT \$29.00 PER HOUR = \$38.67

PROSECUTING ATTORNEY EXPENSE --- Jeanette Lytle

DATE		HOURS	MINUTES
09/08/2010	File maintenance.	0	10
07/23/2010	Check status of proposed decision	0	10
05/20/2010	Draft letter recommending discipline, mail to ALJ and R.	0	45
05/14/2010	E-mail to case advisor regarding status.	0	10
05/12/2010	Check status. Update case advisor.	0	20
03/16/2010	Review file and draft complaint.	1	15
03/15/2010	Review e-mails. Conf. with investigator. Preliminary file review.	0	20

TOTAL PROSECUTING ATTORNEY EXPENSE --- 3 HOURS AND 10 MINUTES  
(Based on their average salary and benefits at the Division of Enforcement)

	HOURS	MINUTES
TOTALS	3	10

AT \$61.00 PER HOUR = \$193.17

EXPENSE SUMMARY

PARALEGAL EXPENSE	Jan Johnson	\$38.67
INVESTIGATOR EXPENSE	Dawn Kalies	\$82.65
INVESTIGATOR EXPENSE	Daniel Williams	\$152.25
MISCELLANEOUS EXPENSE	Jane Brischke	\$239.93
PROSECUTING ATTORNEY EXPENSE	Jeanette Lytle	\$193.17
TOTAL ASSESSABLE COST >>>		\$706.67

Jeanette Lytle, Attorney

Subscribed and affirmed to before me this  
9/14/2010

Notary Public

My commission

MARCH 25 2012



**Before The  
State Of Wisconsin  
DIVISION OF HEARINGS AND APPEALS**

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In the Matter of the Disciplinary Proceedings  
Against **YASMIN PAVE**, Respondent

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AFFIDAVIT OF COSTS  
DHA Case No. DRL-10-0021

DOE Case Nos. 07NUR406 and 07NUR451

Amanda Tollefsen, affirms the following before a notary public for use in this action, subject to the penalties for perjury in Wis. Stat. § 946.31:

1. I am an administrative law judge/attorney licensed to practice law in the State of Wisconsin, and am employed by the Wisconsin Division of Hearings and Appeals. I served as the Administrative Law Judge in the above-captioned matter.
2. This affidavit sets forth the costs and expenses incurred in this matter based upon my contemporaneous time keeping entries in connection with the hearing.

April 26, 2010	File Review	.3 hours
May 17, 2010	File Review, Prehearing Conference, Draft Default Order	.3 hours
June 21, 2010	Draft Proposed Order	2.5 hours

3. That upon information and belief the total assessable costs for the Division of Hearings and Appeals are as follows:

A. Administrative Law Judge: 3.1 hours at \$61.00 per hour = \$189.10.



Dated this 8 day of September 2010.

By: \_\_\_\_\_

Amanda Tollefsen

Administrative Law Judge

Division of Hearings and Appeals

Subscribed and sworn to before me this  
8<sup>th</sup> day of September 2010

Joe L. Richards

NOTARY PUBLIC, STATE OF WISCONSIN

MY COMMISSION EXPIRES ON 06/26/11.

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