

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

ROBIN L. GUNDERSEN,  
RESPONDENT.

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FINAL DECISION AND ORDER

*ORDER 0000404*

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Division of Enforcement Case File # 07 BAC 121

The parties to this action for the purpose of Wis. Stats. § 227.53 are:

Robin L. Gundersen  
Taycheedah Correctional Institution  
751 City Road K  
P.O. Box 1947  
Fond du Lac, WI 54936-1947

Wisconsin 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 disposition of this matter, subject to the approval of the Wisconsin Barbering and Cosmetology Examining Board (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. Respondent Robin L. Gundersen is licensed in the state of Wisconsin as a barbering and cosmetology practitioner, license # 82-86533. This license was first granted to her on 11/21/2006 and is current through 03/31/2011. Ms. Gundersen was initially granted a barbering and cosmetology practitioner license in the state of Wisconsin on 08/06/1979. This license (# 82-40647) expired on 12/01/1985.

2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Ms. Gundersen is 1685 Black Cherry Court, Verona, WI 53593. The most recent address known to the Department for Ms. Gundersen is c/o Taycheedah Correctional Institution, 751 City Road K, P.O. Box 1947, Fond du Lac, WI 54936-1947.

3. The June 16-17, 2007, Weekend Edition of the Capital Times newspaper reported that Ms. Gundersen had been sentenced to six years in prison for a drunken driving arrest on February 15, 2007. The article related that Ms. Gundersen had been arrested a total of 13 times for drunken driving in Illinois and Wisconsin. A Division of Enforcement case was subsequently opened for investigation.

4. A certified copy of the Complaint and Judgment of Conviction obtained from the Jefferson County Clerk of Circuit Court shows that Ms. Gundersen was convicted on June 1, 2007 of felony operating while under the influence (5+) and sentenced to prison for three years followed by three years extended supervision.

5. As a result of the February 15, 2007 arrest, Ms. Gundersen pled No Contest on August 13, 2007 to misdemeanor possession of THC. A certified copy of the Complaint and Judgment of Conviction shows that Ms. Gundersen was sentenced to pay \$105.00 and serve five days in jail.

6. A review of Ms. Gundersen's application file revealed that when Ms. Gundersen reapplied for barbering and cosmetology practitioner licensure on March 30, 2006, she disclosed that she was convicted of driving under the influence with bodily harm in 1999 and that she served three years in prison. Ms. Gundersen failed to report 2006 and 2007 Operating While Under the Influence (OWI)/possessing THC convictions to the department.

6. Pursuant to Wis. Admin. Code § RL 4.09(2), A holder of any of the credentials set forth in § RL 4.07 who is convicted of a felony or misdemeanor in this state or elsewhere shall notify the department in writing of the date, place and nature of the conviction or finding within 48 hours after the entry of the judgment of conviction. Notice shall be made by mail and shall be proven by showing proof of the date of mailing the notice. Notice shall include a copy of the judgment of conviction and a copy of the complaint or other information which describes the nature of the crime and the judgment of conviction in order that the department may determine whether the circumstances of the crime of which the credential holder was convicted are substantially related to the practice of the credential holder.

#### CONCLUSIONS OF LAW

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

2. By the conduct described in paragraph 6 of the Findings of Fact, Respondent Robin L. Gundersen has violated Wis. Admin. Code § RL 4.09(2) by failing to report convictions to the department within 48 hours after the entry of the judgment of conviction. As a result, Ms. Gundersen is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Robin L. Gundersen be, and hereby is, REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent Robin L. Gundersen shall pay COSTS in the amount of THREE HUNDRED DOLLARS (\$300.00). Payment of \$300.00 is due no later than March 1, 2013.

3. Payment of the costs shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817, Fax (608) 266-2264

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent Gundersen fails to timely submit payment of the costs as set forth above, then Ms. Gundersen's license (# 82-86533) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent Gundersen has complied with payment of costs.

IT IS FURTHER ORDERED, that file 07 BAC 121 be, and hereby is, closed as to Respondent Robin L. Gundersen.

5. This Order is effective on the date of its signing.

Dated this 13 day of September, 2010.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush