

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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
	:	Order0000520
AUDREY C. MC BRIAR,	:	09NUR356
RESPONDENT.	:	

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On November 4, 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 November 8, 2010, the Board of Nursing received the Affidavit of Costs in the amount of \$826.59, filed by Attorney Jeanette Lytle. On or about November 10, 2010, the Board of Nursing received the Affidavit of Costs of the Division of Hearings and Appeals in the amount of \$567.30, filed by Administrative Law Judge Amanda Tollefsen. The Board of Nursing considered the Affidavits of Costs on January 27, 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 combined amount of \$1,393.89, 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 February 26, 2011, 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 27<sup>th</sup> day of January, 2011.

BOARD OF NURSING

By:   
Member of the Board

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

AUDREY MCBRIAR  
RESPONDENT

AFFIDAVIT OF COSTS

09 NUR 356

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.

<b>INVESTIGATOR EXPENSE --- Tara Albedyll</b>			
<b>DATE</b>		<b>HOURS</b>	<b>MINUTES</b>
04/22/2010	rec'd tx records, rev'd, disc with JCL, she agreed to take case with no outline from me since I'm backed up now, fm, gave file to JCL for disc.	0	24
03/17/2010	rec'd R letter, ltr to facility for med records with consent	0	54
03/09/2010	interview sara, memo of TC interview	2	0
03/02/2010	rec'd vm mess from R's atty indicating that criminal charges are being turned over to DA and requested that DRL hold off on our investigation. I disc with JCL and she explained that given the serv. of allegations and that the criminal matter will just be started, I should proceed now on the matter. I left mess for R's atty.	0	42
11/18/2009	disc with Gil, rec'd file, rev'd, ltr to C requesting add info, task, fm	1	24
<b>TOTAL INVESTIGATOR EXPENSE --- (Based on their average salary and benefits at the Division of Enforcement)</b>		<b>5 HOURS AND</b>	<b>24 MINUTES</b>
		<b>TOTALS</b>	<b>5      24</b>
<b>AT \$29.00 PER HOUR = \$156.60</b>			

<b>MISCELLANEOUS EXPENSE --- Jane Brischke</b>		
<b>DATE</b>		<b>COST</b>
04/08/2010	copy charge - Columbus Police Department (McBriar)	\$12.16

<b>PARALEGAL EXPENSE --- Jan Johnson</b>			
<b>DATE</b>		<b>HOURS</b>	<b>MINUTES</b>
08/09/2010	Receive ret'd cmp (cert); disc w/ JL; obtain ret'd cmp (reg); make copies of env's; send orig doc's (hn/cmp/aff serv/cmp's) to DHA	0	10
07/26/2010	Review e-mail from DHA; file; process aff serv; assemble pleadings file; return file to JL	0	15
07/23/2010	Review atty Lytle's (JL) e-mail re direction; FM; ck ICE; receive/organize file; convert fd&o to cmp; draft hearing notice (hn) - to & disc w/ JL; draft aff serv; prep for mailing; process-file/serve cmp (deliver to post office); create pleadings file	1	35
<b>TOTAL PARALEGAL EXPENSE --- (Based on their average salary and benefits at the Division of Enforcement)</b>		<b>2 HOURS AND</b>	<b>0 MINUTES</b>
		<b>TOTALS</b>	<b>2      0</b>
<b>AT \$29.00 PER HOUR = \$58.00</b>			

<b>PROSECUTING ATTORNEY EXPENSE --- Jeanette Lytle</b>			
<b>DATE</b>		<b>HOURS</b>	<b>MINUTES</b>
09/29/2010	Review proposed decision.	0	20
08/31/2010	Finalize disciplinary recommendations and mail.	0	30
08/30/2010	Prehearing conf. Default motion. Draft letter recommending discipline.	1	5
07/23/2010	Review and sign complaint and NOH.	0	10
07/22/2010	Check status. Arrange for complaint to be filed.	0	10

06/16/2010 Review voice mail and e-mail from R's former attorney. Revise stip and order and mail with new deadline.  
 06/14/2010 Check status. E-mail to R's atty.  
 05/11/2010 Finalize and mail stip and order.  
 05/06/2010 Check status. Conf. with case advisor.  
 04/22/2010 Review file in detail. Draft stip and order and e-mail to case advisor.  
 03/17/2010 Conf. with investigator.  
 03/02/2010 Conf with investigator.

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**TOTAL PROSECUTING ATTORNEY EXPENSE --- 9 HOURS AND 50 MINUTES**  
 (Based on their average salary and benefits at the Division of Enforcement)

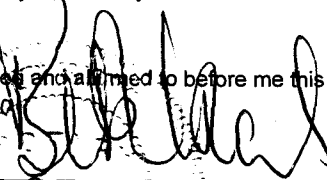
	<u>HOURS</u>	<u>MINUTES</u>
<b>TOTALS</b>	<b>9</b>	<b>50</b>

AT \$61.00 PER HOUR = \$599.83

**EXPENSE SUMMARY**

PARALEGAL EXPENSE	Jan Johnson	\$58.00
INVESTIGATOR EXPENSE	Tara Albedyll	\$156.60
MISCELLANEOUS EXPENSE	Jane Brischke	\$12.16
PROSECUTING ATTORNEY EXPENSE	Jeanette Lytle	\$599.83
<b>TOTAL ASSESSABLE COST &gt;&gt;&gt;</b>		<b>\$826.59</b>

  
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 Jeanette Lytle, Attorney

Subscribed and affirmed to before me this  
 11/8/2010  


Notary Public  
 My commission - MARCH 25 2012



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

In the Matter of the Disciplinary Proceedings  
Against **AUDREY C. MCBRIAR, R.N.**,  
Respondent

AFFIDAVIT OF COSTS  
DHA Case No. DRL-10-0053

Division of Enforcement Case No. 09 NUR 356

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.

07/28/10	File Review	.1 hours
08/16/10	File Review, Scheduled Pre-hearing Conference, Drafted Notice	.2 hours
08/30/10	File Review, Pre-hearing Conference, Drafted Default Notice	.3 hours
09/22/10	File Review, Drafted Proposed Decision	1.5 hours
09/27/10	Completed Proposed Decision	7 hours
11/10/10	Affidavit of Costs	.2 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: 9.3 hours at \$61.00 per hour = \$567.30.

Dated this 10<sup>th</sup> day of November, 2010.

By: *Amanda Tollefsen*  
Amanda Tollefsen  
Administrative Law Judge  
Division of Hearings and Appeals

Subscribed and sworn to before me this  
10<sup>th</sup> day of November 2010

*James R. Richard*  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES ON 06/26/11.

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*[Faint, illegible text]*