

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING  
IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JOAN W. CUMINGS, R.N.  
RESPONDENT

ORDER FIXING COSTS

ORDER0002528

TO: Joan W. Cumings, R.N.  
5597 Beaver Lake Road  
Saginaw, MN 55779

On July 11, 2013, the Board of Nursing issued its Final Decision and Order in the above-captioned matter by which the Board ordered that pursuant to §440.22, Wis. Stats., the costs of this proceeding be assessed against Respondent. The Board of Nursing received the Affidavits of costs from the Division of Legal Services and Compliance and Division of Hearings and Appeals. The Board of Nursing considered the Affidavits of Costs on February 13, 2014 and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to § 440.22, Wis. Stats., the costs of this proceeding in the amount of \$1009.29 are hereby assessed against Respondent, and shall be payable by Respondent to the Department of Safety and Professional Services. **Failure of Respondent to make payment on or before February 13, 2015, shall constitute a violation of the Order unless Respondent petitions for and the Board grants a different deadline.** Under § 440.22(3), Wis. Stats., the Department of Safety and Professional Services 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 Safety and Professional Services and mailed to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

Dated this 13 day of February, 2014.

BOARD OF NURSING

By: Julia Nelson, RN  
Member of the Board



**Before The  
State Of Wisconsin  
BOARD OF NURSING**

In the Matter of the Disciplinary Proceedings  
Against **JOAN W. CUMINGS, R.N.**, Respondent

AFFIDAVIT OF COSTS  
Order No. \_\_\_\_\_

Division of Legal Services and Compliance Case No. 12 NUR 303

Jennifer Nashold, Administrative Law Judge, 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, 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 timekeeping entries in connection with the hearing.

Date	Action	Time
4/15/13	Prehearing Conference	.1 hour (6 minutes)
4/29/13	Draft	1.3 hours
4/30/13	Draft	1 hour
5/1/13	Draft	1.6 hours
5/2/13	Draft	.3 hours

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

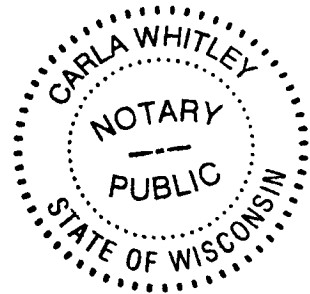
A. Administrative Law Judge: 4.3 hours at \$61.00 per hour = \$262.30.

Dated this 19 day of September, 2013.

By: Jennifer E. Nashold  
Jennifer E. Nashold  
Administrative Law Judge

Subscribed and sworn to before me this  
19<sup>th</sup> day of September, 2013

Carla Whitley  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES ON 2/19/14.



STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

**IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST**

**AFFIDAVIT OF COSTS**

Joan W. Cumings

12 NUR 303

RESPONDENT

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF DANE )

Being duly on affirmation, the undersigned employee of the Department of Safety and Professional Services, upon information and belief based upon Department records, 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 — Michelle Krieger**

DATE		HOURS	MINUTES
7/15/2013	Closeout letter to C; closeout file	0	30
<b>TOTAL INVESTIGATOR EXPENSE ---</b>		<b>0 HOURS AND</b>	<b>30 MINUTES</b>
<b>(Based on their average salary and benefits at the Division of Enforcement)</b>		<b>TOTALS</b>	<b>0 30</b>
<b>AT \$29.00 PER HOUR \$14.50</b>			

**INVESTIGATOR EXPENSE — Tara Albedyll**

DATE		HOURS	MINUTES
8/3/2012	rec'd emails, OLA, fm, transfer for drafting	0	30
8/2/2012	rev'd file, called facility, notes, email to CA and ATTY	1	30
<b>TOTAL INVESTIGATOR EXPENSE ---</b>		<b>2 HOURS AND</b>	<b>0 MINUTES</b>
<b>(Based on their average salary and benefits at the Division of Enforcement)</b>		<b>TOTALS</b>	<b>2 0</b>
<b>AT \$29.00 PER HOUR \$58.00</b>			

**MISCELLANEOUS EXPENSE — Amanda Florek**

DATE		HOURS	MINUTES
2/28/2013	441.50 review, updates to complaint, email to CA re experts, update tickler	0	45
<b>TOTAL MISCELLANEOUS EXPENSE ---</b>		<b>0 HOURS AND</b>	<b>45 MINUTES</b>
<b>(Based on their average salary and benefits at the Division of Enforcement)</b>		<b>TOTALS</b>	<b>0 45</b>
<b>AT PER HOUR \$0.00</b>			

**MISCELLANEOUS EXPENSE — Mitall Chatterjee**

DATE		HOURS	MINUTES
4/29/2013	Rec' email from ALJ re: word verison of PDO; search and email to ALJ/AK	0	10
4/25/2013	Draft cover letter, assemble exhibits; search for order-exhibit B; discuss with AK; mail to ALJ/R	0	40
4/23/2013	Discuss with AK re: filing PDO and exhibits	0	10
<b>TOTAL MISCELLANEOUS EXPENSE ---</b>		<b>1 HOURS AND</b>	<b>0 MINUTES</b>
<b>(Based on their average salary and benefits at the Division of Enforcement)</b>		<b>TOTALS</b>	<b>1 0</b>
<b>AT PER HOUR \$0.00</b>			

**STATE OF WISCONSIN**  
**BEFORE THE BOARD OF NURSING**

<b>PARALEGAL EXPENSE — Amanda Florek</b>			
<b>DATE</b>		<b>HOURS</b>	<b>MINUTES</b>
2/13/2013	draft complaint, draft notice of hearing, draft aff of mailing, update tickler, to atty for review	0	40
2/26/2013	Review and revise complaint, update tickler	0	25
2/27/2013	Confer with AK	0	15
2/28/2013	email from CA, and responded	0	10
2/28/2013	Email from CA, follow up sent, tickler updated	0	20
3/1/2013	CA complaint approval printed and in file	0	5
3/1/2013	email board member JM per CA and AK	0	15
3/1/2013	consult with AK re JM response	0	5
3/1/2013	email JL re expert	0	10
3/6/2013	Update ICE	0	5
3/11/2013	complaint and NOH updated, to atty for final review and signature	0	5
3/12/2013	Stuff, address, stamp all complaint mailings	0	25
3/12/2013	Copy NOH and complaint, file via email procedure, email all parties and make copy for file, review checklist	0	30
3/26/2013	Complete affidavit of mailing, draft CVL to ALJ, mail original documents, print USPS tracking, Update ICE events, make copies for pleadings file	0	40
4/3/2013	Scheduling conference sheet reviewed, docketed, tickler updated	0	10
4/9/2013	Call from Karen at ALJ to confirm address	0	5
4/12/2013	case status check	0	5
5/1/2013	follow up on case status, update tickler	0	5
5/3/2013	Confer with AK, decision for ALJ rec'd, tickler updated with deadline for R appeal, MC emailed re default status	0	10
5/7/2013	Proposed decision returned, filed, ICE updated, emailed AK the above information	0	10
7/15/2013	Signed order rec'd and filed. File to CI for closure. ICE updated. Tickler completed	0	10
6/19/2013	Review file and billing, per SN draft memo to JL with status	0	10
6/3/2013	confer with AK, no objection received, waiting for board approval, tickler updated	0	10

<b>TOTAL PARALEGAL EXPENSE ---</b>	<b>5 HOURS AND 25 MINUTES</b>	<b>HOURS</b>	<b>MINUTES</b>
<b>(Based on their average salary and benefits at the Division of Enforcement)</b>			
	<b>TOTALS</b>	<b>5</b>	<b>25</b>

**AT \$29.00 PER HOUR \$157.08**

<b>PARALEGAL EXPENSE — Mitall Chatterjee</b>			
<b>DATE</b>		<b>HOURS</b>	<b>MINUTES</b>
7/12/2012	Assign inves/atty; fasten file; update Excel spreadsheet	0	10
10/16/2012	Review file with DV re: drafting; update ICE case asso.	0	15
10/22/2012	Review file and DV's draft of Stip/FDO; forward to DV for updates; discuss with DV	0	25
10/22/2012	Review file and DV's draft of Stip/FDO; forward to DV for updates	0	15
10/29/2012	Organ. file; draft email to CA for approval; create tickler	0	10
10/30/2012	Rec CA approval; draft cover ltr; cc/mail; update tickler; organ file.	0	20
12/4/2012	Confirm no response from R: no phone/email; attempt calling phone no-out of service; email AK with status	0	15
12/6/2012	draft f/u ltr; cert mail/RR labels/process; update tickler	0	30
1/10/2013	Forward to AF to f/u; assign task to draft complaint	0	5

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

TOTAL PARALEGAL EXPENSE --- (Based on their average salary and benefits at the Division of Enforcement)	2 HOURS AND	25 MINUTES	HOURS	MINUTES
AT \$29.00 PER HOUR \$70.08			TOTALS	2 25

PROSECUTING ATTORNEY EXPENSE --- Aaron Konkol				
DATE		HOURS	MINUTES	
4/5/2013	Review pleadings file, correspondence	0	15	
2/27/2013	Conf with AF	0	15	
2/27/2013	Review file, complaint	0	30	
4/15/2013	Participated in pre-hearing conference with ALJ, explained Division has one recent address on file, no phone number, no further contact with R, moved for default, given 14 days to file proposed recommendation for discipline and cost, due 4/29/13	0	10	
4/18/2013	Review file, draft proposed decision and order, prepare affidavit, exhibits	2	10	
4/22/2013	Conf with SN re: revisions to PDO, given approval to forward to ALJ.	0	15	
4/23/2013	Conf with MC re: forwarding materials to ALJ, affidavit, PDO, cover letter	0	10	
8/2/2012	Receipt and review email from TA to CA	0	10	
5/3/2013	Receipt and review notice of proposed decision and proposed decision from ALJ with objection deadlines	0	20	
8/3/2012	Email to TA, CA responding to questions	0	10	
5/8/2013	Conf with AF re: status of decision	0	10	
6/3/2013	Conf with AF re: status	0	10	
8/3/2012	Receipt and review email from CA	0	10	
12/18/2012	Conf with MC	0	10	
10/23/2012	Review file, revise stip/FDO	0	35	
4/2/2013	Receipt and review notice of prehearing conference from ALJ	0	10	
2/20/2013	Review and revise complaint	0	35	
3/12/2013	Review complaint	0	15	
2/12/2013	Review file, to AF for complaint	0	20	
7/11/2012	Screen Complaint	0	10	
12/4/2012	Conf with MC	0	10	

TOTAL PROSECUTING ATTORNEY (Based on their average salary and benefits at the Division of Enforcement)	7 HOURS AND	20 MINUTES	HOURS	MINUTES
AT \$61.00 PER HOUR \$447.33			TOTALS	7 20

EXPENSE SUMMARY		
PROSECUTING ATTORNEY EXPENSE	Aaron Konkol	\$447.33
INVESTIGATOR EXPENSE	Tara Albedyll	\$58.00
PARALEGAL EXPENSE	Mitali Chatterjee	\$70.08
INVESTIGATOR EXPENSE	Michelle Krisher	\$14.50
MISCELLANEOUS EXPENSE	Mitali Chatterjee	\$0.00
PARALEGAL EXPENSE	Amanda Florek	\$157.08
MISCELLANEOUS EXPENSE	Amanda Florek	\$0.00
TOTAL ASSESSABLE COST >>>		\$746.99

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

  
Jeanette Lyle, Legal Manager

Subscribed and affirmed to before me this  
9/18/2013

  
Notary Public

My commission 