

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

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STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR A :
COSMETOLOGIST CREDENTIAL :

BRIANA KUMBIER,
APPLICANT. :

ORDER GRANTING
LIMITED LICENSE

ORDER 0008605

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

Briana Kumbier
Phoenix, Maryland 21131

Cosmetology Examining Board
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this renewal application. The Cosmetology Examining Board (Board) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about June 24, 2022, Briana Kumbier (DOB 09-07-1994) (Applicant) filed an application for a Cosmetologist credential (#814772).
2. Information on file establishes that Applicant has the following convictions on her record:
 - A. On or about April 13, 2018 – Injury by Intoxicated Use/Vehicle, a felony violation.
3. Information on file establishes the following:
 - A. According to treatment documents from the Fond du Lac County Department of Community Programs (DCP), on or about December 19, 2016, Applicant was diagnosed with alcohol dependence.
 - i. Applicant initially had her AODA assessment on March 16, 2016, and was recommended for Level 2 Day Treatment. Applicant was due to begin treatment the next day, but never returned to treatment until December 15, 2016. Applicant reported at the time of her original assessment that she was not ready to stop drinking.

- ii. Applicant was discharged from regular outpatient treatment on September 12, 2018 due to her incarceration. Applicant's prognosis at the time of discharge was fair.
 - iii. During outpatient treatment, Applicant worked with her prescribing physician to discontinue use of a prescription that she was abusing.
- B. According to documentation from Taycheedah Correctional Institution (TCI), Applicant successfully completed a Substance Use Disorder program and Cognitive-Behavioral program on or about August 30, 2019.
- C. According to a letter from Applicant's cosmetology instructor at TCI, Applicant is seeking licensure to get work release from prison.
4. Information on file establishes that Applicant has been addicted to alcohol, abused a prescription, and since 2016, has only been sober during an outpatient treatment program and subsequent incarceration.
5. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Cosmetology Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 454.15(2) and is authorized to enter the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. Pursuant to Wis. Stat. § 454.15(2)(h), the Board may limit the license of any licensee if it finds that the licensee has been addicted to alcohol or other drugs to an extent related to the individual's ability to adequately undertake the job-related responsibilities of that individual's licensure.
3. Applicant, by her conduct, is subject to limitations against her credential, pursuant to Wis. Stat. § 454.15(2).

ORDER

1. The attached Stipulation is accepted.
2. Limitations upon Applicant's Cosmetologist credential are necessary to ensure that she is not addicted to alcohol or other drugs to an extent related to her ability to adequately undertake the job-related responsibilities of her licensure.
3. Applicant's ability to practice as a Cosmetologist is granted subject to the following LIMITATIONS:
 - A. For a period of at least two (2) years from the date of this Order:

- i. Applicant shall maintain absolute sobriety from alcohol and controlled substances, unless prescribed, and shall only take prescription drugs in the manner and amount prescribed.
- ii. Applicant shall provide a copy of this Order to the facilitators/supervisors/managers of the TCI Work Release Program. Applicant shall provide the Department Monitor with written acknowledgement from the facilitators/supervisors/managers that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring within fourteen (14) days of the date of this Order.
- iii. Applicant shall, at all times, practice as a Cosmetologist under the supervision of a Wisconsin licensed Cosmetologist pre-approved by the Board. Pre-approval of any future cosmetologist-supervisor shall be obtained through correspondence with the Department Monitor.
- iv. Applicant shall provide a copy of this Order to her current and any future employer. Applicant shall provide the Department Monitor with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- v. Applicant shall arrange for written reports from her cosmetologist-supervisor(s)/employer(s) to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's work performance and describe the circumstances of her employment, including the nature and extent of the Applicant's cosmetology activities and whether she has practiced in compliance with all laws governing the practice of cosmetology.
- vi. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of change.
- vii. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within forty-eight (48) hours of any such event, including any convictions resulting from pending charges.

4. After two (2) years of successful compliance with this Order, Applicant may petition the Board for full, unrestricted license. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

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

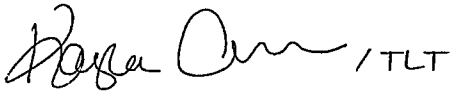
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

This information may also be submitted online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov>

6. In the event Applicant violates any term of this Order, Applicant's license, or Applicant's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing. The Board or its designee may terminate the suspension if provided with sufficient information that Applicant is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

By:  / TLT
A Member of the Board

07/10/2023

Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR A :
COSMETOLOGIST CREDENTIAL :

BRIANA KUMBIER,
APPLICANT. :

STIPULATION

ORDER 0008605

It is stipulated between Applicant and the Cosmetology Examining Board (Board) as follows:

1. Applicant filed an application for a Cosmetologist credential #814772.
2. Information received by the Board reflects a basis for denial of the initial application.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a limited Cosmetologist credential, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - the right to request a hearing related to the denial of the application;
 - the right to confront and cross-examine the witnesses against Applicant;
 - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - the right to testify on Applicant's own behalf;
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
 - the right to petition for rehearing; and
 - all other applicable rights afforded to Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.

7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

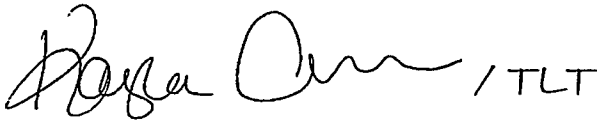
8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.



Briana Kumbier
Phoenix, Maryland 21131
Application No. 814772

7-7-2023

Date



A Member of the Wisconsin Cosmetology
Examining Board
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

07/10/2023

Date