

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR A :
BARBER CREDENTIAL :
MICHAEL CODER, : ORDER GRANTING
APPLICANT. : LIMITED LICENSE

ORDER 0008688

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

Michael Coder
Plymouth, Wisconsin 53073

Department of Safety and Professional Services
4822 Madison Yards Way
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 application. The Wisconsin Department of Safety and Professional Services (Department) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about October 26, 2022, Michael Coder (DOB 08-17-1969) (Applicant) filed an application for a Barber credential (#832540).
2. Information on file establishes that Applicant has the following convictions on his record:
 - A. On or about February 9, 1996 – Possession of Controlled Substances - Heroin, a felony conviction, in Illinois, unknown case number.
 - B. On or about October 5, 2001 – Possession of Controlled Substances, a misdemeanor conviction, in Illinois, unknown case number.
 - C. On or about April 13, 2002 – Possession of Controlled Substances, a felony conviction, in Illinois, unknown case number.
 - D. On or about October 21, 2006 – Possession of Controlled Substances, a felony conviction, in Illinois, unknown case number.
 - E. On or about January 4, 2008 – two counts of Possession of Controlled Substances, both felony convictions, in Illinois, unknown case number.
 - F. On or about November 9, 2021 – Operating While Intoxicated 3rd, Repeater, a misdemeanor conviction, in Sauk County 20 CF 255.

- G. On or about November 9, 2021 – Possession of Narcotic Drugs, Second and Subsequent Offense, Repeater, a felony conviction, in Sauk County 20 CF 255.
 - i. Applicant was sentenced to five (5) years of initial confinement and two (2) years of extended supervision.
 - H. On or about November 9, 2021 – Operating While Intoxicated 4th, a felony conviction, in Sauk County 20 CF 523.
 - I. On or about November 9, 2021 – Possession with Intent – Heroin (>3-10g), a felony conviction, in Sauk County 20 CF 523.
 - i. Applicant was sentenced to five (5) years of initial confinement and four (4) years of extended supervision.
 - J. On or about November 9, 2021 - Possession with Intent – Heroin (>3-10g), a felony conviction, in Sauk County 21 CF 48.
 - i. Applicant was sentenced to five (5) years of initial confinement and four (4) years of extended supervision.
3. Information on file further establishes the following:
- A. According to Applicant's personal statement dated March 3, 2023, Applicant has been incarcerated for over two years and has not consumed any drugs or alcohol during this time. Applicant states that prior to his incarceration, he used heroin on a daily basis and consumed alcohol mostly on the weekends.
 - B. According to documentation from the Wisconsin Department of Corrections, Applicant was scheduled to begin the Earned Release Program on June 5, 2023.
4. Information on file establishes that Applicant has been addicted to alcohol and/or drugs, and he has recently only been sober while incarcerated.
5. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Department of Safety and Professional Services (Department) has jurisdiction over this matter pursuant to Wis. Stat. § 454.29(2) and is authorized to enter the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. Pursuant to Wis. Stat. § 454.29(2)(h), the Department may limit or refuse to issue 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 his conduct, is subject to limitations against his initial credential, pursuant to Wis. Stat. § 454.29(2)(h).

ORDER

1. The attached Stipulation is accepted.
2. Placing limitations upon Applicant's initial Barber credential are necessary to ensure that he is not addicted to alcohol or other drugs to an extent related to his ability to adequately undertake the job-related responsibilities of his licensure.
3. Applicant's ability to practice as a Barber 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 abide by all rules of extended supervision/probation as ordered in Sauk County, Wisconsin cases 20 CF 255, 20 CF 523, and 21 CF 48.
 - iii. Applicant shall provide a copy of this Order to his extended supervision/probation agent(s). Applicant shall provide the Department Monitor with written acknowledgement from the extended supervision/probation agent(s) 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.
 - iv. Applicant shall arrange for written reports from his extended supervision/probation agent(s) to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's compliance on extended supervision/probation.
 - v. Applicant shall, at all times, practice as a Barber under the supervision of a Wisconsin licensed Barber or Cosmetologist pre-approved by the Department. Pre-approval of any future barber/cosmetologist-supervisor shall be obtained through correspondence with the Department Monitor.
 - vi. Applicant shall arrange for written reports from his barber/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 his employment, including the nature and extent of the Applicant's barber activities and whether he has practiced in compliance with all laws governing the practice of barbering.

- vii. Applicant shall provide a copy of this Order to his 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.
- viii. Applicant shall report to the Department any change of employment status, residence, address or telephone number within five (5) days of the date of change.
- ix. 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 Department for full, unrestricted license. The Department 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, 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
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 his license, may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing. The Department 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 Department or its designee. The Department 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.

Dated at Madison, Wisconsin this 9th day of August, 2023.

A handwritten signature in cursive script, appearing to read "A. Rohmeyer".

Aloysius Rohmeyer, Chief Legal Counsel
On behalf of the Department of Safety
and Professional Services

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR A :
BARBER CREDENTIAL :
 :
MICHAEL CODER, : STIPULATION
APPLICANT. :

ORDER 0008688

Michael Coder (Applicant) and the Department of Safety and Professional Services (Department) stipulate as follows:

1. Applicant filed an application for a Barber credential #832540.
2. Information received by the Department reflects a basis for denial of the initial application.
3. Based upon the information of record, the Department agrees to issue, and Applicant agrees to accept, an Order granting a limited Barber 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 Department. 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 Department's Order, as adopted in the form as attached.

8. Applicant is informed that should the Department adopt this Stipulation, the Order Granting Limited License is a public record and will be published in accordance with standard procedure.



Michael Coder
Plymouth, Wisconsin 53073
Application No. 832540

7-31-23

Date



Aloysius Rohmeyer, Chief Legal Counsel
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 8935
Madison, WI 53708-8935

08/09/2023

Date