

Chapter Cos 10

FORFEITURES

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Note: Chapter BC 10 was renumbered ch. Cos 10 under s. 13.92 (4) (b) 1., Stats., Register February 2013 No. 686.

Note: See Chapter SPS 50 for rules governing the licensing of barbers, barbering managers, and barbering establishments.

Cos 10.01 Authority and scope. (1) The rules in ch. Cos 10 are adopted pursuant to authority in s. 454.15, Stats.

(2) The citation procedures established by this section may be used in an action to recover a forfeiture under s. 454.15 (3), Stats.

(3) The citation form provided by this section may serve as the initial pleading for a disciplinary action and is adequate process to give the board jurisdiction over the credential holder, if the citation is served upon the credential holder and filed with the board.

History: CR 02-058: cr. Register September 2003 No. 573, eff. 10-1-03; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register February 2013 No. 686.

Cos 10.02 Citation for administrative forfeiture. (1) A citation under this section shall be issued by a consumer protection investigator and shall contain substantially the following information:

(a) The name, address and credential number of the credential holder.

(b) The name and signature of the individual issuing the citation and the name of the department.

(c) A description of the violation alleged, the time and place of its occurrence, a statement that the respondent committed the violation, and the statute or administrative code provision violated.

(d) Notice that the credential holder may submit a response contesting the citation and requesting a hearing. Notice shall include the date and address for the timely submission of a request. A request for hearing must be in writing.

(e) The forfeiture and costs assessment requested by the division.

(f) A summary of the citation procedure, including the following:

1. Provisions for deposit and stipulation in lieu of an appearance before an administrative law judge or the board.

2. Notice, including date, time and address, that the licensee may enter a plea of contesting the violations cited and request a hearing on the alleged violation.

(2) A citation shall be substantially in the form shown in Appendix I.

History: CR 02-058: cr. Register September 2003 No. 573, eff. 10-1-03.

Cos 10.03 Service. Service of a citation under this section may be accomplished by mailing a copy of the citation to the credential holder at the last known address of the credential holder or by any procedure described in s. 801.14 (2), Stats.

History: CR 02-058: cr. Register September 2003 No. 573, eff. 10-1-03.

Cos 10.04 Filing. Filing a citation with the board shall be accomplished by delivery of a copy of the citation to the offices of the board.

History: CR 02-058: cr. Register September 2003 No. 573, eff. 10-1-03.

Cos 10.05 Effect of payment. The credential holder may deposit the amount of forfeiture identified in the citation by mailing the deposit and a copy of the citation to the division. Payment shall be treated as a plea of no contest and submission to an order of forfeiture plus costs, not to exceed the amount of the deposit.

History: CR 02-058: cr. Register September 2003 No. 573, eff. 10-1-03.

Cos 10.06 Request for hearing. Within 20 days of the date of service of the citation, the licensee may enter a plea contesting the violation cited and request a hearing on the alleged violation cited. Submission of a plea contesting violations and requesting a hearing shall be in writing and submitted to the division.

History: CR 02-058: cr. Register September 2003 No. 573, eff. 10-1-03.

Cos 10.07 Default. (1) If the credential holder does not make a deposit or otherwise respond to the citation in a timely fashion, the board may without further proceedings issue an order of default against the credential holder. A default order issued under this section may impose forfeiture and costs, not to exceed the amount identified in the citation. Violation of an order issued under this section may impose forfeiture and costs, not to exceed the amount identified in the citation. Violation of an order issued pursuant to this section may result in a refusal to renew credentialing or additional disciplinary action.

(2) If the credential holder requests a hearing pursuant to s. Cos 10.05 but fails to appear at the hearing at the time scheduled, the credential holder is in default and the board may make findings and enter an order on the basis of the citation. The board may, for good cause, relieve the respondent from the effect of such findings and permit the respondent to answer and defend at any time before the board enters an order or within a reasonable time.

History: CR 02-058: cr. Register September 2003 No. 573, eff. 10-1-03; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register February 2013 No. 686.