

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
: 96 RBC 003
BRUCE M. BENNETT, : LS9802031RBC
d/b/a SCIENTIFIC COLLEGE OF BEAUTY:
RESPONDENT. :

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Bruce M. Bennett
d/b/a Scientific College of Beauty
2914 Arbor Drive
Madison, WI 53711

Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708\


The State of Wisconsin, Department of Regulation and Licensing, having considered the Stipulation Agreement annexed hereto of the parties, in resolution of the captioned-matter, makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to jurisdiction and authority granted to the Department, that the Stipulation Agreement annexed hereto, filed by Complainant's attorney, shall be and hereby is incorporated, made and ordered the Final Decision and Order of the State of Wisconsin, Department of Regulation and Licensing.

That a copy of this Order be served on Respondent by certified mail.

Dated this 5th day of February, 1998.



Marlene A. Cummings, Secretary
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

STIPULATION
96 RBC 003

BRUCE M. BENNETT
d/b/a SCIENTIFIC COLLEGE OF BEAUTY,
RESPONDENT.

Bruce M. Bennett (Bennett), and Complainant's Attorney Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the captioned matter, stipulate and agree as follows:

1. Respondent Bennett of 2914 Arbor Drive, Madison, Wisconsin, was at all time material to the complaint certified as a barbering and cosmetology instructor, and has been so certified since March 29, 1989, and was the owner of Scientific College of Beauty (College), 120 Main Street, LaCrosse, Wisconsin.
 - a. The Main Street college has now closed and relocated to 326 Pearl Street, LaCrosse, Wisconsin.
2. This Stipulation shall be submitted to the Department of Regulation and Licensing (Department), and or its designee for approval and disposition of the matter. If the terms of the Stipulation are not acceptable to the Department, then the parties shall not be bound by any of the provisions of the Stipulation.
 - a. This Stipulation is dispositive of investigative complaint #96 RBC 003.
3. Respondent has been advised of his right to a public hearing on each and every allegation of the complaint, but hereby freely and voluntarily waives his right to a hearing in this matter on the condition that all provisions of the Stipulation be acceptable to and approved by the Department.
 - a. Respondent further agrees to waive any appeal of the Department's Final Decision and Order adopting the Stipulation agreement.
4. The Department received a complaint against Respondent college from a student, who complained variously that she was not getting the education that she paid for, in that the college instructors regularly give students credit for hours of instruction when students are not at school; there is only one instructor on the clinic floor for 15 students which makes it hard for students to get needed assistance; the students were unsupervised 50% of the time; not enough mannequin heads for the students to work on, with none available to practice perming or cutting; and the students had to find own clients/customers to work on; insufficient equipment and supplies, and generally, an unsanitary environment.
5. Pursuant to an investigation of the complaint(s), other witnesses corroborated the above allegations, in pertinent part; and a personal visit to the college by the investigator assigned to the case, documented some unsanitary conditions.

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6. Respondent Bennett was confronted with the allegations and findings, and admitted in pertinent part that, during the period of the complaints he was negotiating the ~~purchase~~ of a different building for the college without the knowledge of anyone, and that he let matters slide a little, and didn't do any repairs; but that he was not aware that all of the things complained of were happening.

a. Respondent has closed the college complained of, and has reopened the college at a different location, which has passed the Department's inspection.

7. Based upon the above enumerated facts, Respondent Bennett is deemed to have violated secs. 440.62(3)(a)(2), Wis. Stats., failure to provide a course of instructions containing 1,800 hours; violated sec. RL 65.12(1)(i)(4), Wis. Adm. Code, falsifying student records; and violated sec. BC 4.01(1), Wis. Adm. Code, failure to maintain school in a safe and sanitary condition.

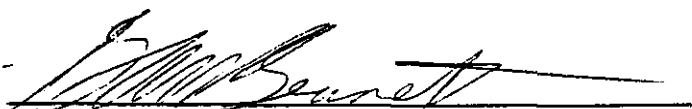
8. Based upon the above and in settlement of these matters, Respondent Bennett hereby consents, agrees, and accept a reprimand, and to pay the amount of \$500.00 as part assessment of costs in resolving these matters.

9. The \$500.00 part assessment of costs shall be payable by cashier's check or money order and made payable to the Department of Regulation and Licensing, and paid at the execution of this Stipulation and submitted to the Department's disciplinary monitor:

Michelle Neverman
Monitor
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

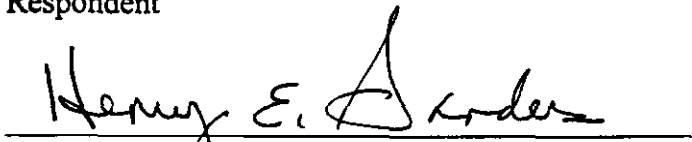
10. Respondent further agrees that this Stipulation Agreement may be incorporated into the Department's Final Decision and Order adopting the Stipulation Agreement.

11. Respondent further agrees that Complainant Attorney Sanders and the Department's Advisor assigned to the cases, may appear at any closed deliberative meeting of the Department with respect to this Stipulation, but those appearances are limited solely to clarification, justification and to statements in support of the Stipulation and for no other purpose.



Bruce M. Bennett
Respondent

1-14-98
Date



Henry E. Sanders
Complainant's Attorney

2/3/98
Date

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NOTICE OF RIGHTS OF APPEAL

TO: BRUCE M BENNETT

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 2/9/98 Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935