

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING
AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
BARBARA L. EARLE, : LS0801301SOC
RESPONDENT. :

[Division of Enforcement Case # 05 SOC 023]

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

Barbara L. Earle
6226 S. 12th Street
Sheboygan, WI 53081

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Social Worker Section
Wisconsin Marriage and Family Therapy,
Professional Counseling, and Social Work Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
PO Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision in this matter, subject to the approval of the Social Worker Section. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Barbara L. Earle, Respondent, date of birth February 23, 1951, was certified by the Social Worker Section as a social worker in the state of Wisconsin pursuant to license number 929, which was first granted September 7, 1993.
2. Respondent was granted certification pursuant to the grandparenting provisions of 1991 Wisconsin Act 160, § 21(2)(a)1 and, for this reason, did not take the examination otherwise required for certification.
3. Respondent has not renewed her certification since it expired on June 30, 2007, but could renew it pursuant to Wis. Stat. § 440.08(3)(a) and Wis. Adm. Code § MPSW 1.08(2) by payment of fees and proof of completion of continuing education requirements.
4. Respondent's last address reported to the Department of Regulation and Licensing is 6226 S. 12 Street, Sheboygan, WI 53081.
5. From 1989 until her employment was terminated on January 6, 2005, Respondent was employed as a social worker by the Wisconsin Department of Corrections (DOC) and worked in the Division of Adult Institutions at Kettle Moraine Correctional Institution (KMCI) in Plymouth, Wisconsin.
6. Social workers at KMCI were to enter the date and the reason for each contact with an inmate in that inmate's

chronological log. Following a performance evaluation in 2003, Respondent was advised of the need for more precision in completing inmate log sheets.

7. An audit of Respondent's entries in inmate logs between April 2003 and July 2004 determined that Respondent had made 100 entries on inmate log sheets which purported to reflect face-to-face contacts with inmates on days that she was not working and was absent from the institution.

8. Respondent asserts that her practice was to have face-to-face contacts with inmates and then at some later date, enter the date and content of the contact in the inmate log. She concedes that this delay in making entries resulted in the numerous erroneous entries.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 457.26(2) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the above conduct, failed to maintain adequate records relating to services provided to a client in the course of a professional relationship, in violation of Wis. Adm. Code § MPSW 20.02(18), and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Barbara L. Earle, is REPRIMANDED for the above conduct.

2. Prior to Respondent renewing her certificate, Respondent shall first:

a. Take and complete 3 hours of continuing education on the subject of record keeping or social worker ethics, which course or courses shall first be approved by the Section or its designee as appropriate for the above violation. Respondent is prohibited from applying these credits toward satisfaction of the continuing education required for any registration biennium.

b. Pay the costs of this proceeding in the amount of \$525.00, pursuant to Wis. Stat. § 440.22(2). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264

3. This Order is effective on the date it is signed.

Social Worker Section
Wisconsin Marriage and Family Therapy,
Professional Counseling and Social Work Examining Board

By: Mary Jo Walsh
A Member of the Section

1/3008
Date

STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING
AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
BARBARA L. EARLE, : LS _____ SOC
RESPONDENT. :

[Division of Enforcement Case # 05 SOC 023]

It is hereby stipulated and agreed, by and between Barbara L. Earle, Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's certification by the Division of Enforcement (file 05 SOC 023). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights, including the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Section. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Section ever assigned as a case advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with the Section's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending that the Section adopt this Stipulation and issue the attached Final Decision and Order.

Barbara L. Earle
Respondent
6226 S. 12 Street
Sheboygan, WI 53081

Date

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date